REMARKS

Claims 1-14 and 16-23 are pending. The Examiner's reconsideration of the rejections is respectfully requested.

Claims 1-18 have been rejected under 35 U.S.C. 101, wherein the Examiner stated that the claimed invention, appearing to be comprises of software alone without claiming associated computer hardware required for execution, is not supported by either a specific and substantial asserted utility or a well established utility.

Claims 1-14 and 16-18 have been amended to claim "computer-implemented" methods. Reconsideration of the rejection is respectfully requested.

Claims 1-7 and 19-23 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner essentially stated that it is unclear how "an abstract graphical proxy" (in line 5 of Claim 1, and line 7 of Claim 19) refers to "an abstract graphical proxy" (in line 4 of Claim 1, and line 6 of Claim 19).

Claims 1 and 19 claim, *inter alia*, "displaying a first abstract graphical proxy for the environment; displaying a second abstract graphical proxy for at least one consumer within the environment." The first and the second abstract graphical

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proxies are believed to be claimed such that Claims 1-7 and 19-23 particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner's reconsideration of the rejection is respectfully requested.

Figure 4 has been objected to, wherein the Examiner indicated that the sheet should be numbered as "4/4". A Replacement Sheet is attached hereto, wherein the sheet has been numbered as "4/4". Reconsideration of the objection is respectfully requested.

Claims 1-7 and 16-23 have been rejected under 35 U.S.C. 102(e) as being anticipated by Gudjonsson et al. (U.S. Patent No. 6,564,261). The Examiner stated essentially that Gudjonsson teaches all the limitations of claims 1-14 and 16-23.

Claims 1 and 19 claim, *inter alia*, "providing the at least one consumer with interactive business facilities via the first abstract graphical proxy for the environment."

Gudjonsson teaches methods for establishing a communication session between the users, wherein the communication session may be a text chat session, a voice chat session, or web conference (see col. 3, lines 13-18). Gudjonsson does not teach "providing the at least one consumer with interactive business facilities via the first abstract graphical proxy for the environment," as claimed in Claims 1 and 19. The communication sessions of Gudjonsson do not include abstract graphical proxies for an

environment. Indeed Gudjonsson merely teaches methods for establishing a communication session on a backend of a network, for example, defining user IDs, setting security protocols and the like (see col. 16, lines 58-55). Gudjonsson's backend processes do not teach an abstract graphical proxy for an environment, much less provide a "consumer with interactive business facilities via the abstract graphical proxy for the environment" as claimed in Claims 1 and 19. Thus, Gudjonsson fails to teach all the limitations of Claims 1 and 19.

Claims 2-7 depend from Claim 1. Claims 20-23 depend from Claim 19. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 19. The Examiner's reconsideration of the rejection is respectfully requested.

Claims 8-14 and 16-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Brett (U.S. Patent Pub. US 2005/0144115). The Examiner stated essentially that the combined teachings of Gudjonsson and Brett teach or suggest all the limitations of Claims 8-14 and 16-18.

Claim 8 claims, *inter alia*, that an "abstract graphical display of the marketplace is an auction proxy including concentric circles, an inner-most circle for displaying auction information, an inner circle for indicating bidding activity, and an outer circle for indicating user interest."

Gudjonsson teaches a communication session between users in

Figures 1-6, wherein the session is a text chat session, a voice chat session, or web conference (see col. 3, lines 13-18). Gudjonsson teaches that a list of users is displayed (see Figure 8 and col. 11, line 43 to col. 12, line 18). Gudjonsson does not teach or suggest an "abstract graphical display of the marketplace is an auction proxy including concentric circles, an inner-most circle for displaying auction information, an inner circle for indicating bidding activity, and an outer circle for indicating user interest," as claimed in Claim 8. The communication sessions of Gudjonsson may be text, voice, or web conferences. Text, voice, or web conference sessions are not analogous to an abstract graphical display of a marketplace, essentially as claimed in Claim 8, much less "an auction proxy including concentric circles, an inner-most circle for displaying auction information, an inner circle for indicating bidding activity, and an outer circle for indicating user interest." The communication sessions of Gudjonsson are actual, literal sessions, e.g., users typing text messages or speaking directly to one another. The communication sessions of Gudjonsson do not provide an "an auction proxy including concentric circles, an inner-most circle for displaying auction information, an inner circle for indicating bidding activity, and an outer circle for indicating user interest," as claimed in Claim 8. Therefore, Gudjonsson fails to teach or suggest all the

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limitations of Claim 8.

Brett teaches an automated ticket auctioning system (see Abstract). Brett does not teach or suggest an "abstract graphical display of the marketplace is an auction proxy including concentric circles, an inner-most circle for displaying auction information, an inner circle for indicating bidding activity, and an outer circle for indicating user interest," as claimed in Claim 8. Brett teaches a map of a venue or stadium, which is a literal display of seating, and a separate activity bar indicating a level of bidding activity (see Figure 15). Brett's map of the venue is not an abstract display - indeed an abstract display of seating would not be useful to a potential customer wanting to select an actual seat - Brett's maps show actual seating arrangements. The bidding activity bar of Brett is not a concentric circle, much less an inner circle for indicating bidding activity, essentially as claimed in Claim 8. Nothing in Brett teaches or suggests "an auction proxy including concentric circles, an inner-most circle for displaying auction information, an inner circle for indicating bidding activity, and an outer circle for indicating user interest" as claimed in Claim 8. Therefore, Brett fails to cure the deficiencies of Gudjonsson.

The combined teachings of Gudjonsson and Brett fail to teach or suggest an "abstract graphical display of the marketplace is

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an auction proxy including concentric circles, an inner-most circle for displaying auction information, an inner circle for indicating bidding activity, and an outer circle for indicating user interest," as claimed in Claim 8.

Claims 9-14 and 16-18 depend from Claim 8. The dependent claims are believed to be allowable for at least the reasons given for Claim 8. The Examiner's reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the application, including claims 1-14 and 16-23 is believed to be in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

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